

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 20 2004

OFFICE OF
MANAGING DIRECTOR

Mr. Clarence V. Bucaro
Water's Edge Communications
One Radio Place
Painesville, Ohio 44077

Re: Request for Regulatory Fee Waiver for Fiscal
Years 1996, 1997, 1998, 1999, 2000, 2001, 2002 and
2003
Fee Control No. 0206178835274008

Dear Mr. Bucaro:

This letter responds to your request dated February 4, 2004, on behalf of Water's Edge Communications (Water's Edge) for waiver of regulatory fees for Fiscal Years (FY) 1996, 1997, 1998, 1999, 2001, 2002 and 2003 for Station WBKC 1460 (AM) in Painesville, Ohio. You state in your letter that between 1996 and 2003, you paid \$968.75 for FY 2000 and hoped to pay the fees last year for the other outstanding years. In support of your waiver request, you state that you are in debt, that you have arranged payment plans with some of your creditors, but that others have obtained judgments against your company. Further, you state that in 2003 your losses have reached over \$17,000. You have provided a Profit and Loss statement for 2003 to document that loss. Finally you indicate that your only option at this point is to find a buyer for the station.

With regard to the requests for waivers of the regulatory fees for FYs 1996 through 1999, we find that these requests were extremely late in that they were not filed with the Commission until long after the fiscal years in question and, accordingly, do not provide a basis for relief or otherwise warrant any further consideration. We therefore deny your request for FYs 1996, 1997, 1998, and 1999 regulatory fee relief for Station WBKC (AM) on this basis.

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. We find that Water's Edge has not met its obligation to file its regulatory fees for FYs 1996 through 1999 in a timely manner. We therefore assess a 25 percent late payment penalty for late payment of the regulatory fees for the fiscal years 1996 through 1999.

With regard to the request for waivers of the regulatory fees for FYs 2001 through 2003, we will need additional information before making a determination as to whether fee relief is warranted. In establishing its regulatory fee program, the Commission

recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

While you have submitted a profit and loss statement for calendar year 2003, it is not sufficiently detailed for us to ascertain whether you are entitled to a waiver. The "Payroll-Wages" category needs to be broken down to indicate further who received the wages and whether any of those persons are principals in your company. Further, there do not appear to be any depreciation or amortization expenses. You will need to confirm that this is the case.

With regard to FY 2001 and FY 2002, you will need to provide profit and loss statements that include sufficient detail to satisfy the requirements we have outlined above.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship for waivers of regulatory fees for FY 2001, FY 2002 and FY 2003. Therefore, your request for waivers of regulatory fees for FY 2001, FY 2002, and FY 2003 are dismissed. Payment of the FY 2001, FY 2002 and FY 2003 regulatory fees in the amounts of \$1,450 (FY 2001), \$1,575 (FY 2002), and \$1,925 (FY 2003) for Station WKBC (AM) are now due. Further, we find that Water's Edge has not met its obligation to file its regulatory fees for FYs 2001 through 2003 in a timely manner. We therefore assess a 25 percent late payment penalty for late payment of the regulatory fees for the fiscal years 2001 through 2003: \$ 362.50 for FY 2001, \$393.75 for FY 2002, and \$481.25 for FY 2003. The \$4,950 total regulatory fees and \$1,237.50 total late payment penalties, for a total amount of \$6,187.50, should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, in view of your allegations of financial hardship, in lieu of payment, you may refile Water's Edge Communication's request together with appropriate supporting documentation and a

request to further defer payment of the \$6,190.50 regulatory fees and \$1,240.50 late payment penalties, within 30 days from the date of this letter.

As explained above, your request for waivers of regulatory fees for FY 1996, FY 1997, FY 1998, and FY 1999 are denied. Payment of the FY 1996 fee of \$690, the FY 1997 fee of \$1,600, the FY 1998 fee of \$1,250, and the FY 1999 fee of \$825 are now due. In addition, 25 percent late payment penalties of \$ 172.50 (FY 1996), \$400.00 (FY 1997), \$312.50 (FY 1998) and \$206.25 (FY 1999), for total late payment penalties of \$1,091.25, are now due. The \$4,365 total amount for FYs 1996 through 1999 regulatory fees and \$1,091.25 late payment penalties, totaling \$5456.25, should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. Should you choose not to refile your request for waivers of FYs 2001 through 2003 as discussed above, you may submit the regulatory fees and and late payment penalties for FYs 1996 through 1999 and FYs 2001 through 2003, for a total of \$11,646.75, together with one Form FCC 159.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure

0206178835274008

WBKC 1460AM

One Radio Place Painesville, Ohio 44077

(440) 352-1460 951-1460

800-422-1460 E-Mail: wbkc@wbkc.com

Fax (440) 352-8194

Clarence V. Bucaro
General Manager

February 4, 2004

Office of Managerial Director
Federal Communications Director
445 12th St., S.W.
Room 1-A821
Washington, D.C 20554

Re: Water's Edge Communications
WBKC-AM, Facility Number 13685

Dear Sir/ Madame:

I am writing to request a waiver for regulatory fees that are currently due for the years 1996, 1997, 1998, 1999, 2001, 2202 and 2003. Between 1996 and 2003, we have paid \$968.75 (for 2000) and had hoped to pay the fees for other years last year. However, while some of our creditors have arranged a payment plan to reduce our debt, others have obtained judgments against our company. In 2003 our losses reached over \$17,000. Although we have been serving the public interest with quality community programming, our only option at this time is to find a buyer for the station.

Please find documents that will back up my claim that paying these fees would force the station off the air

I can be reached at 440/352-1460, Ext. 24.

Sincerely,



Clarence V. Bucaro
Water's Edge Communications

RECEIVED
FEB 11 2004

2004 FEB 12 A 8:22

RECEIVED
FCC



Reid
FEB 21 2004
Tamp.

FILED

2001 OCT -4 P 3: 59

LYNNE L MAZEIKA
LAKE CO CLERK OF COURT

STATE OF OHIO

LAKE COUNTY COMMON PLEAS COURT

THE ASSOCIATED PRESS

Plaintiff

-vs-

WATER'S EDGE COMMUNICATIONS
CORPORATION, D/B/A RADIO
STATION WBKC

Defendant

) Case No. 00CV001990

)

) JUDGE EUGENE A. LUCCI

)

) K. Girard Blakley (0040137)

) 117 Louisiana Avenue

) Suite 200

) Perrysburg, Ohio 43551

) (419) 873-8401

) FAX (419) 873-8406

) Attorney for Plaintiff

)

)

) CONSENT JUDGMENT ENTRY

)

)

This cause came before this Court upon the consent of plaintiff and defendant to entry of judgment for plaintiff against defendant. The attorneys of plaintiff and defendant have manifested the consent of plaintiff and defendant by signing this entry. Oral arguments have been waived. It is, therefore:

ORDERED that judgment is for plaintiff against defendant in the sum of \$25,000 00 and costs; and it is further:

ORDERED that the defendant may pay said judgment by paying \$500.00 per month due on the 15th day of each month hereafter commencing October 15, 2001; and it is further:

ORDERED that alternatively, should defendant pay to plaintiff the sum of \$15,000.00 in aggregate on or before October 1, 2002, then this judgment shall be fully satisfied; and it is further:

**Federal Communications Commission
Bill Collection**

FOR INQUIRIES CALL
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
FY03AM1054	December 18, 2003	

WATER'S EDGE COMMUNICATIONS CORP.
713 FORBES STREET
PAINESVILLE, OH 44077

Payable to:
**Federal Communications
Commission**
Send a copy of this bill to:
**Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835
PITTSBURGH, PA 15251 - 5835**

Total Amount Due		Due Date
\$1,968.75	Total Amount Due Must Be Received By	January 17, 2004

BILL FOR UNPAID REGULATORY FEE OF \$1,575.00 AND 25% PENALTY OF \$393.75
WBKCAM

(PAYER FCC REGISTRATION NUMBER -FRN) REQUIRED. 0010019404

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0226		\$1,575.00	\$1,575.00
0299		\$393.75	\$393.75
Total Due			\$1,968.75

Payment Method: Check ☐ (Attach)
 Credit card ☐ (Complete Below)

☐ MASTERCARD ☐ VISA ☐ AMERICAN EXPRESS ☐ DISCOVER

Account No

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Expiration

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Month	Year				

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described

AUTHORIZED SIGNATURE

DATE

**Federal Communications Commission
Bill Collection**

*FOR INQUIRIES CALL
1-202-418-1995*

Bill Number	Bill Date	Please write your bill number on your remittance.
02-MMB0733	06/04/2003	

WATER'S EDGE COMMUNICATIONS CORP
713 FORBES STREET
PAINESVILLE OH 44077

*Payable to:
Federal Communications
Commission
Send a copy of this bill to:
Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835
PITTSBURGH, PA 15251-5835*

Total Amount Due		Due Date
\$1,812.50	Total Amount Due Must Be Received By	07/07/2003

BILL FOR UNPAID 2001 FY REGULATORY FEE OF \$1,450.00 AND 25% PENALTY OF \$362.50
CALL SIGN: WBKC-AM FRN NUMBER. 0008693624

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0126		\$1,450.00	\$1,450.00
0199		\$362.50	\$362.50
Total Due			\$1,812.50

Payment Method: Check ☐ (Attach)
 Credit card ☐ (Complete Below)

☐ MASTERCARD ☐ VISA ☐ AMERICAN EXPRESS ☐ DISCOVER

Account No

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Expiration

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Month	Year				

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

**Federal Communications Commission
Bill Collection**

FOR INQUIRIES CALL
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
02-MMB0733	8/6/2002	

WATER'S EDGE COMMUNICATIONS CORP.
713 FORBES STREET
PAINESVILLE, OH 44077

Payable to:
**Federal Communications
Commission**
Send a copy of this bill to:
**Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835

PITTSBURGH, PA 15251 - 5835**

Total Amount Due		Due Date
\$1,812.50	Total Amount Due Must Be Received By	9/5/2002

BILL FOR UNPAID FY 2001 REGULATORY FEE OF \$1,450.00 AND 25% PENALTY OF \$362.50
CALL SIGN WBKC-AM

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0126		\$1,450.00	\$1,450.00
0199		\$362.50	\$362.50
Total Due			\$1,812.50

Payment Method: Check ☐ (Attach)
 Credit card ☐ (Complete Below)

☐ MASTERCARD
☐ VISA

Account No

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Expiration

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Month	Year				

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

**Federal Communications Commission
Bill Collection**

*FOR INQUIRIES CALL
1-202-418-1995*

Bill Number	Bill Date	Please write your bill number on your remittance.
2000-9MB-0335	7/26/02	

Water's Edge Communication
713 Forbes Street
Painesville, OH 44077

*Payable to:
Federal Communications
Commission
Send a copy of this bill to
Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835

PITTSBURGH, PA 15251 - 5835*

Total Amount Due		Due Date
\$968.75	Total Amount Due Must Be Received By	8/26/02

BILL FOR UNPAID REGULATORY FEE OF \$775.00 AND 25% PENALTY OF \$193.75
WBKC-AM

*paid
check 4855*

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code	Quantity	Fee Due	
0038		\$775.00	\$775.00
0099		\$193.75	\$193.75
Total Due			\$968.75

Payment Method: Check ☒ (Attach)
 Credit card ☐ (Complete Below)

☐ MASTERCARD
☐ VISA

Account No

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Expiration

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Month	Year				

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

AR012-A
2/18/2004
15:58:17

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1
2/18/2004
15:58:17

CD NO.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560489	6/17/02	0206178835274008	9999999982	GENERIC FRN	6/14/02	\$968.75
Seq: 1 Call Sign: 20009MB033 FCC Code 1: FCC Code 2: Tin Number: 0000000000						
QTY: 1 Applied Amt: 775.00						
PTC: 0038						
Applicant Name: WATERS EDGE COMMUNICATIONS COR						
Address: 713 FORBES STREET						
Seq: 2 Call Sign: 20009MB033 FCC Code 1: FCC Code 2: Tin Number: 0000000000						
QTY: 1 Applied Amt: 193.75						
PTC: 0099						
Applicant Name: WATERS EDGE COMMUNICATIONS COR						
Address: 713 FORBES STREET						
Total Applied:			\$968.75	Total Receipt:		\$968.75

FY 2000



Non-Public For Internal Use Only

RAMIS ACCOUNT RECEIVABLESPage 1 of 2
Wednesday, February 18, 2004 03:56 PM**Check Number Query Report**

FEE Control Number :	0101238245342002		
Customer FRN	9999999982	FRN Name	: GENERIC FRN
Check Number	4855		
Receipt Amount	: \$120.00	Date Received	: 01/22/2001
FEE Control Number :	0106138195352002		
Customer FRN	9999999982	FRN Name	: GENERIC FRN
Check Number	48558		
Receipt Amount	: \$755.00	Date Received	: 06/12/2001
FEE Control Number :	0109048994376010		
Customer FRN	: 9999999982	FRN Name	: GENERIC FRN
Check Number	: 4855		
Receipt Amount	: \$120.00	Date Received	: 08/31/2001
FEE Control Number :	0205288245145006		
Customer FRN	: 0001872571	FRN Name	: Rex L Young
Check Number	: 4855		
Receipt Amount	: \$100.00	Date Received	: 05/28/2002
FEE Control Number :	0206178835274008		
Customer FRN	: 9999999982	FRN Name	: GENERIC FRN
Check Number	: 4855		
Receipt Amount	: \$968.75	Date Received	: 06/14/2002
FEE Control Number :	0304298325109010		
Customer FRN	: 0006942395	FRN Name	: Mr Brian C Erb
Check Number	: 485500000000		
Receipt Amount	: \$0.00	Date Received	: 04/28/2003
FEE Control Number :	0305158994433023		
Customer FRN	: 0004396370	FRN Name	: Schafer Audio
Check Number	: 485500000000		
Receipt Amount	\$100.00	Date Received	: 05/14/2003

Tom Putnam

From: Roland Helvajian
Sent: Wednesday, March 03, 2004 11:53 AM
To: Tom Putnam
Subject: WKBC-AM

Hi Tom:

I received your voice mail for WKBC-AM, a Class B (and sometimes D) station located in Painesville, Ohio, facility id number 13685. The regulatory fees for this station are as follows, and they are based on a population reach of 173,468 (FY 2002-FY 2003), and 158,780 (FY 2001 and prior):

<u>Year</u>	<u>Class of Service</u>	<u>Amount</u>	<u>Fee Code</u>
2003	B	\$1,925	0326
2002	B	\$1,575	0226
2001	B	\$1,450	0126
2000	D	\$775	0038
1999	D	\$825	MDD9
1998	B	\$1,250	MBD8
1997	B	\$1,600	MBD7
1996	??	\$690	??
1995	??	\$620	??

Tom Putnam

From: Marjorie Bertman
Sent: Wednesday, March 03, 2004 2:15 PM
To: Tom Putnam
Cc: Roland Helvajian
Subject: RE: WKBC-AM

Tom and Roland, Thank you so much for the requested info! You are both terrific!! Margie

-----Original Message-----

From: Tom Putnam
Sent: Wednesday, March 03, 2004 1:25 PM
To: Marjorie Bertman
Subject: FW: WKBC-AM

FYI

Tom Putnam
418-2992

*** Non-Public: For Internal Use Only ***

-----Original Message-----

From: Roland Helvajian
Sent: Wednesday, March 03, 2004 11:53 AM
To: Tom Putnam
Subject: WKBC-AM

Hi Tom:

I received your voice mail for WKBC-AM, a Class B (and sometimes D) station located in Painesville, Ohio, facility id. number 13685. The regulatory fees for this station are as follows, and they are based on a population reach of 173,468 (FY 2002-FY 2003), and 158,780 (FY 2001 and prior):

<u>Year</u>	<u>Class of Service</u>	<u>Amount</u>	<u>Fee Code</u>
2003	B	\$1,925	0326
2002	B	\$1,575	0226
2001	B	\$1,450	0126
2000	D	\$775	0038
1999	D	\$825	MDD9
1998	B	\$1,250	MBD8
1997	B	\$1,600	MBD7
1996	??	\$690	??
1995	??	\$620	??